

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

GREGORY D. NUNNALLY,

Plaintiff,

v.

WILLIAM DANFORTH, *et al.*,

Defendants.

Case No. 7:12-cv-95 (HL)

ORDER

Before the Court is the Report and Recommendation of the Magistrate Judge (Doc. 37). In the Recommendation, Magistrate Judge Thomas Q. Langstaff recommends dismissing Plaintiff Gregory D. Nunnally's case for abuse of the judicial process. Specifically, the Magistrate Judge reasons that Plaintiff was not honest and forthcoming in his complaint when he was asked about whether he filed any other suits in federal court. He listed one prior case that he filed, when, in fact, he has filed a total of five federal cases complaining about prison conditions. Based on this dishonesty, Magistrate Judge Langstaff recommends dismissing the complaint entirely.

Plaintiff objects to this recommendation, claiming that he did not intend to abuse the judicial process and that he simply forgot about the other cases that he previously filed. The four cases that Plaintiff overlooked were filed in 1994, 2010, and 2011. While it is plausible that Plaintiff would forget the cases in 1994, the

Court finds that it is not likely that Plaintiff forgot the two cases that he filed in 2010 and 2011, especially when he was able to remember another 2011 case that he filed in federal court.

After review, the Court finds that the Recommendation of the Magistrate Judge should be adopted and made order of the Court.

SO ORDERED, this 2nd day of July, 2013.

s/Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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